

VZCZCXRO3017
OO RUEHPA
DE RUEHUJA #1012/01 1421541
ZNY CCCCC ZZH
O 221541Z MAY 07
FM AMEMBASSY ABUJA
TO RUEHC/SECSTATE WASHDC IMMEDIATE 9586
INFO RUEHZK/ECOWAS COLLECTIVE
RUEHWR/AMEMBASSY WARSAW 0341
RUEHCD/AMCONSUL CIUDAD JUAREZ 0340
RUEHOS/AMCONSUL LAGOS 6913
RHEBAAA/DEPT OF ENERGY WASHINGTON DC
RHEHNSC/NSC WASHINGTON DC
RUEAIIA/CIA WASHINGTON DC
RUEKDIA/DIA WASHDC
RHMFISS/HQ USEUCOM VAIHINGEN GE
RUFOADA/JAC MOLESWORTH RAF MOLESWORTH UK

C O N F I D E N T I A L SECTION 01 OF 03 ABUJA 001012

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DOE FOR CAROLYN GAY

E.O. 12958: DECL: 05/21/2017
TAGS: [PGOV](#) [PHUM](#) [PREL](#) [KDEM](#) [NI](#)
SUBJECT: NIGERIA ELECTION AFTERMATH: FURTHER SUGGESTIONS
FOR A WAY FORWARD

REF: ABUJA 911

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Classified By: Ambassador John Campbell for reasons 1.4. (b) & (d).

¶1. (C) As both international and domestic observers reported, the April elections took place in a political environment of manipulation, bribery, intimidation and outright fraud. Independent observers (including IRI and NDI) have been clear in their assessments of the shortcomings of the elections and have pointed out the difficulties in reforming a process without reform-minded politicians at the helm. Some regime insiders fail to understand the statements that have been issued so far by the USG and HMG-- or pretend they do. They choose to read our statements, perhaps in a self-serving manner, as endorsements of the outcome of the electoral process.

¶2. (C) The USG engaged the GON on electoral reforms after the 1999 elections, and USAID programs focused on strengthening INEC and civil society. Again in 2003, after the disappointment of an election appreciably worse than that of 1999, we engaged and funded Nigeria's electoral efforts with at least \$15 million in support for INEC and civil society. In 2007, the USG should back our funding of reform initiatives with a clear political message underscoring the importance of achieving real progress. Without a clear, coordinated political message, the GON will again feel no pressure to truly implement changes and instead will likely continue merely to talk of reform.

¶3. (C) Since the April electoral period, Nigeria remains tense. Sporadic demonstrations and election-related violence have continued and the stern warnings of the Nigerian Police Force (NPF) threatening violence against demonstrators contribute to an increased sense of insecurity. Niger Delta security has deteriorated significantly, with at least two bombings of oil facilities, 5 kidnappings of U.S. citizens, and numerous community confrontations in the past three weeks. The attack on the Bayelsa State House the evening before the Presidential Election followed several weeks later followed by the destruction of Bayelsa Governor and Vice-President-elect Goodluck Jonathan's house in his home state, allegedly by members of his own ethnic group, and continued threats of more attacks by militants in the area

have lowered expectations of any quick solution. The threat of military action, with its potential for more human rights abuses and for increasing the tensions in the area, is real.

¶4. (C) The electoral tribunals identified by the international community as the means to correct the worst of the electoral excesses have been slow to start and confusion remains over the procedures they will follow. It is too early to tell if the tribunals will be able to function independently. Still, the mood throughout the country is that something is needed to correct the electoral malpractices, and civil society and the political opposition are calling for demonstrations and protests to overturn many elections. It is likely that the election tribunals will overturn some results and possible that a few successful challenges could create the environment for further changes.

¶5. (C) Faced with this situation, the USG could embrace a series of actions to set the tone for addressing the widespread disaffection with the electoral process, and democracy in general, which continues to grow in the aftermath of the April election.

USG's Long Term Interests

¶6. (C) First and foremost among USG interests in Nigeria must be stability. According to the CIA World Factbook, Nigeria has generated over 250,000 internally displaced persons (IDPs) in recent years and, thousands more have died in political, economic and inter-communal violence. The trend is going in the wrong direction. In response, we should devote our efforts to addressing the root causes of the political instability in an effort to prevent a humanitarian crisis. We should build on USG anti-corruption

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support to date and put verifiable economic progress that benefits Nigerians at the forefront.

¶7. (C) The stability of the Niger Delta and the continued production of oil are key interests of the USG. While the Obasanjo government has paid lip service to the development of the Niger Delta, concrete action has not followed, and a resulting lack of trust impedes effective action in future. The engineers of the underdevelopment of this energy-rich region of Nigeria are still in power and have no incentive to change. Without representation in government, the insurgency in the Niger Delta will continue to disrupt oil production and could spread to neighboring regions. The USG should make every effort to support legitimate leadership and serious developmental initiatives, but should not hide its skepticism when programs announced (but usually never implemented) are less than credible.

¶8. (C) Halting corruption is a necessity if Nigeria is to move towards responsible governance. Stealing the nation through an election is not a good start on this path. The Nigerian leadership's commitment to anti-corruption efforts is in serious doubt, at least among many Nigerians, who say the once-lauded Economic and Financial Crimes Commission (EFCC) has run off its tracks. The actual conviction rate of the organization is small, and many Nigerians think it has been transformed into a political tool to intimidate opponents of the PDP party leadership. The USG should work to put the EFCC back on track to operate independently in its attack on corruption throughout the economic system. The Independent Corrupt Practices Commission (ICPC) should also be reinvigorated to pursue political corruption as it was originally intended. The independence of these organizations and the judiciary is vital to any efforts to put Nigerian on the path to serious reform.

¶9. (C) The USG should continue to be intensely interested in economic transparency. A thriving Nigerian economy would

open a potential 140-million-person market to U.S. investment. While Obasanjo and his administration have talked of economic transparency, the end result has been less than impressive. The continuing diversion of state funds to private individuals and the preferential sale of assets to regime insiders must stop before any serious investor outside the energy sector will consider Nigeria. For Nigerians to take part in a global economy, opportunity must be available to all, not just the elite who happen to be in power. Nigeria's commitment to invest in education, health care and other social services should also be examined, not just the official pronouncements but also through the impact of such spending on the ground. These investments should be transparently beneficial to Nigerians as well as the international community.

¶10. (C) The USG's interest is in developing democracy globally. While the USG had hoped that a free and fair election in Nigeria would set the example for other nations, Nigeria's blatantly rigged process provides a very different example. Secretary Rice recently said that the alternative to "well-governed, democratic states" is "failed states or authoritarian regimes." The USG has a strong interest in preventing either of these outcomes in Nigeria. We need to ensure that our actions here provide the right message to other nations around the world contemplating a similar electoral process.

A SUGGESTED WAY FORWARD

¶11. (C) The following are concrete, specific suggestions of actions the USG could take to prevent Nigeria's continued descent into political failure. They follow on the points made in reftel.

-- The USG should deliver strong, unequivocal messages, both publicly and privately, that we disapprove of the autocratic tactics used to install the next administration. These messages should be reinforced with strong support for civil society and the electoral tribunals and encouragement to

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aggrieved political parties to challenge the electoral charade through every legal means, recognizing that these likely will include public and peaceful demonstrations and strikes. The USG should encourage efforts by the Nigerian polity to reform itself. Small statements and clear moral support for democrats can pay outsized dividends if Nigerians believe we will stand by our commitment to transparency, democracy, and the rule of law.

-- Most high-level official visits should wait until the credibility of the electoral tribunal process has been ascertained. It is possible that the elections will be overturned, and there is the risk of alienating a new, more democratic government. The USG should still be able to pursue discrete goals through normal government-to-government channels and a Yar'Adua government will likely seek opportunities to engage, if for no other reason than to shore up its legitimacy domestically and internationally.

-- The USG should push for INEC to be overhauled at the earliest possible moment. The reforms should provide for its credible independence, along with officially recognized oversight and monitoring roles for reputable civil society organizations. It is readily apparent that a great longing for truly representative democracy exists among Nigerians. If Nigeria's efforts at resolving the current political impasse produce a solution, the USG should encourage and influence these efforts at a more democratic system. Any Nigerian solution has a greater chance at ensuring future stability than either the chaotic and confrontational future of the current system or a solution imposed from abroad.

-- All involved with the rigging of the 2007 elections should be banned from travel to the U.S. Presidential Proclamation 7750 is the perfect tool for this effort; it creates a visa ineligibility for corrupt public officials, which explicitly includes any public official who interferes in judicial and electoral processes. This visa ban should not be limited only to the "politically safe" working-level officials, but should include those, even at the highest levels, who have been credibly observed to have participated in the rigging of elections. Along with this, the USG should redouble its efforts at isolating corrupt politicians, both past and present, through similar efforts. Anything less runs the risk of signaling that winners can still profit while their minions pay the political price for electoral corruption.

COMMENT

¶12. (C) Many indicators make it clear that Nigeria is troubled. As Nigeria's friend, the USG must be honest and supportive and must also ensure that Nigeria recognizes its problems to begin addressing them. Nigeria's future and USG interests are too important to be left to wishful thinking. Rather the growth of Nigeria, and perhaps its survival as well, require serious, coordinated efforts to resolve the accretion of political enmity from the past decades.
CAMPBELL